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24 August 2006  
by express

ENTERED  
Office of Proceedings

AUG 25 2006

Part of  
Public Record

Hon. Vernon Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

Re: YILA -- Abandonment Exemption --  
Yakima County, WA, AB 600 (Sub-no. 1X)

for filing: Motion for Extension of NITU

fee exempt per regulation

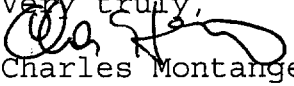
Dear Mr. Williams:

Enclosed please find a motion for extension of the NITU which became effective on service of the Board's decision issued on April 5, 2006, in this proceeding. This motion is submitted on behalf of Yakima County, WA.

While there is ordinarily a filing fee charged for NITU extensions, 49 C.F.R. § 1002.2(f)(1) states that filing fees "are waived for an application or other proceeding which is filed by ... a state or local government entity." Yakima County is a local government entity. Yakima County has already filed a fee exempt "statement of willingness" in this proceeding, and now notes that by regulation, its motion for an extension is also fee exempt.

As indicated in the motion, YILA consents to the extension.

Thank you for your assistance in this matter.

Very truly,  
  
Charles Montange  
for Yakima County

Encls.

cc. Counsel (per certificate of service) (w/encl.)

BEFORE THE SURFACE TRANSPORTATION BOARD

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Yakima Interurban Lines Association,      )
-- Abandonment Exemption -- in           ) AB 600 (sub-no. 1X)
-- Yakima County, WA                     )
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Motion to Extend the  
NITU Negotiation Period

Yakima County, with the consent of Yakima Interurban Lines Association (YILA), hereby moves for a 180 day extension in the negotiation period provided under the Notice of Interim Trail Use (NITU) issued in this proceeding. Per this Board's decision in this proceeding served April 5, 2006, the NITU currently expires on October 2, 2006. If this motion to extend is granted, the NITU will expire on March 31, 2007. This is the first extension sought.

This Board barred YILA from alienating any sites or structures which might be covered by section 106 of the National Historic Preservation Act prior to compliance with that statute. Decision served Feb. 17, 2006, paragraph 6(f). Because YILA is without sufficient assets, Yakima County which desires to acquire the line for interim trail and railbanking purposes has arranged for section 106 compliance through consultants (from Eastern Washington University) employed by the County when section 106 must be addressed in County projects. The work required for compliance with this Board's condition has been combined with additional work required for access to certain grants which may potentially be employed for the County's acquisition of the property governed by the NITU.

The County is advised that its consultants expect to complete their report for the State Historic Preservation Officer (SHPO) within a month. However, the resultant report(s) still must be reviewed by SHPO. If SHPO determines that the reports indicate compliance, then the parties expect that STB will remove the condition barring alienation. At that point, YILA and the County can finalize arrangements with lienholders to settle their remaining claims against YILA assets such that YILA and the County can enter into a railbanking agreement covering the line which can be implemented in at closing.

There are obviously many steps to this process. County and YILA do not expect it to be complete earlier than the end of the first quarter of 2007.

In sum, Yakima County and YILA are diligently pursuing completion of the various steps which must be taken before a railbanking agreement may be finalized and the property transferred by YILA to the County for interim trail use and railbanking pursuant to 16 U.S.C. § 1247(d). An essential first step, upon which Yakima County is working, is satisfaction of section 106 requirements such that the bar on YILA's alienation of all or portions of the property set forth in paragraph 6(f) of this Board's February 17 decision may be removed. The parties believe that an additional 180 days to and including March 31, 2007, will be required to complete the necessary steps. Yakima County, with the consent of YILA, accordingly moves for an extension of the applicable NITU for 180 days.

Respectfully submitted,



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Counsel for Yakima Interurban  
Lines Association

Certificate of Service

By my signature below, I certify service on August 24, 2006, by U.S. Mail, postage pre-paid first class, of the foregoing upon the following counsel of record:

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